



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MONTY MARCH ET AL.,

Plaintiffs,

- against -

REAL ESTATE BOARD OF NEW YORK, INC  
ET AL.,

Defendants.

-----X  
ROBERT FRIEDMAN ET AL.,

Plaintiffs,

- against -

REAL ESTATE BOARD OF NEW YORK, INC  
ET AL.,

Defendants.

23-CV-9995 (JGLC) (RWL)

24-CV-405 (JGLC) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

As discussed at the case management conference held on June 26, 2024 for both captioned cases, and as otherwise supplemented and modified, the Court orders as follows:

1. Having so moved, and there being no objection, and the Court having given due consideration to the requirements for service as class counsel, the law firms Berman & Tobacco, and Biendert Katzman Littrell Williams LLP are appointed as Interim Co-Lead Counsel on behalf of REBNY Brooklyn Residential Real Estate Rule 23(b)(3) Class and

Rule 23(b)(2) Class as defined in the Amended Complaint in the *Friedman* case, 24-CV-405.

2. Having so moved, and there being no objection, and the Court having given due consideration to the requirements for service as class counsel, the law firm Michael M. Buchman of Motley Rice LLC and Marvin A. Miller of Miller Law LLC are appointed as Interim Co-Lead Counsel for the Direct Purchaser Plaintiff Manhattan Residential Real Estate Seller Class in the *March* case, 23-CV-9995.

3. Plaintiffs' requests in both cases to formally brief the various defendants' letter motions for a stay pending final approval of the settlement in *Burnett et al. v. NAR et al.*, No. 4:19-cv-00332 (W.D. Mo. Apr. 23, 2024), is granted to the extent the issue is not or does not become moot.

4. To the extent not otherwise moot, Defendants' formal stay motions and briefing shall be filed by December 10, 2024, or if the fairness hearing in *Burnett* is adjourned to a later date, then two weeks after the fairness hearing is held. Plaintiffs shall file any opposition 45 days after Defendants' motions are filed. Defendants' replies, if any, shall be filed 21 days after the oppositions are filed.

5. For the reasons stated on the record, and without having made any determination of the "identical factual predicate" issue, the instant cases are stayed pending the Court's determination on the formal briefing of a stay. If no formal motions are made due to mootness or otherwise, the parties shall instead file a status report and proposed schedule by the due date for filing of the motions for a stay.

The Clerk of Court is respectfully directed to terminate the motions in *March*, 23-CV-9995, at ECF 211, 216, 217 and 232; and the motions in *Friedman*, 24-CV-405, at ECF 101, 102, 103, 107, and 110.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: June 26, 2024  
New York, New York

Copies transmitted this date to all counsel of record.